

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

ELDRIDGE SMITH

CASE NO. 2:22-CV-04284

VERSUS

JUDGE JAMES D. CAIN, JR.

**STATE FARM FIRE AND CASUALTY
COMPANY ET AL**

MAGISTRATE JUDGE KAY

JUDGMENT

Before the court is a Report and Recommendation of the Magistrate Judge, recommending a sanction of \$1,000 against respondent R. William Huye III for his violations of Federal Rule of Civil Procedure 11(b) based on his representation of plaintiff. These violations occurred while respondent was employed as an attorney with the firm McClenny, Moseley & Associates, PLLC (“MMA”). Based on a de novo review of the record, and considering the objections, the court agrees that the sanction should be imposed. Rule 11(c) provides, however, that “[a]bsent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.” Fed. R. Civ. P. 11(c)(1). The court must therefore determine whether the firm should be held jointly liable with Mr. Huye.

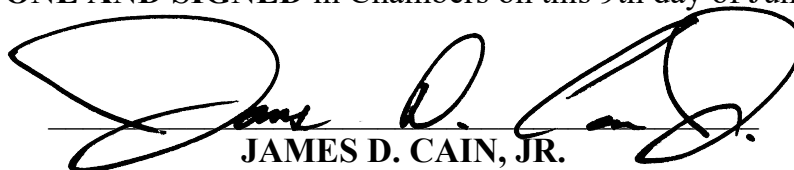
Mr. Huye was still employed with MMA when the show cause order in this matter was issued. He was represented at the hearing on April 26, 2023, by attorney Gwyneth O’Neill, who stated that she also represented MMA. MMA therefore had actual notice of the hearing and an opportunity to respond. There is no basis in the record to suggest

exceptional circumstances that would relieve the firm of joint responsibility for respondent's actions. To the contrary, Huye's testimony about his role as managing partner of the firm's Louisiana office reflect the firm's systemic lack of attention to verifying that "the factual contentions have evidentiary support or, [. . .] will likely have evidentiary support," as required by Rule 11(b)(3). Considering these factors, the court finds that MMA must be held jointly liable for the violation committed by its former employee. Accordingly,

IT IS ORDERED, ADJUDGED, and DECREED that the Report and Recommendation be **ADOPTED**, subject to the modification described above. R. William Huye III and McClenny Moseley & Associates, PLLC are thus jointly sanctioned in the amount of \$1,000.00, to be deposited with the registry of the court. Payment must be completed by December 1, 2023.

The clerk is directed to mail a copy of this judgment to plaintiff at the address provided by MMA and on file with the court.

THUS DONE AND SIGNED in Chambers on this 9th day of June, 2023.

A handwritten signature in black ink, appearing to read "James D. Cain, Jr.", is written over a horizontal line.

JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE